

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
MARRIAGE OF PETITIONER: _____ RESPONDENT: _____	
DECLARATION FOR DEFAULT OR UNCONTESTED <input type="checkbox"/> DISSOLUTION or <input type="checkbox"/> LEGAL SEPARATION	CASE NUMBER: _____

(NOTE: Items 1 through 16 apply to both dissolution and legal separation proceedings.)

1. I declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. I agree that my case will be proven by this declaration and that I will not appear before the court unless I am ordered by the court to do so.
3. All the information in the ☐ Petition ☐ Response is true and correct.
4. **DEFAULT OR UNCONTESTED** (Check a or b)
 - a. ☐ The default of the respondent was entered or is being requested, and I am not seeking any relief not requested in the petition. **OR**
 - b. ☐ The parties have agreed that the matter may proceed as an uncontested matter without notice, and the agreement is attached or it is incorporated in the attached marital settlement agreement or stipulated judgment.
5. **MARITAL SETTLEMENT AGREEMENT** (Check a or b)
 - a. ☐ The parties have entered into an ☐ AGREEMENT or ☐ STIPULATED JUDGMENT regarding their property and marital rights, including support, the original of which is or has been submitted to the court. I request the court to approve the agreement. **OR**
 - b. ☐ There is NO AGREEMENT or STIPULATED JUDGMENT, and the following statements are true (check at least one, including item (2) if a community estate exists):
 - (1) ☐ There are no community or quasi-community assets or community debts to be disposed of by the court.
 - (2) ☐ The community and quasi-community assets and debts are listed on the attached **completed** current *Property Declaration* (form 1285.55), which includes an estimate of the value of the assets and debts that I propose to be distributed to each party. The division in the proposed *Judgment (Family Law)* is a fair and equal division of the property and debts, or if there is a negative estate, the debts are assigned fairly and equitably.
6. **DECLARATION OF DISCLOSURE** (Check a, b, or c)
 - a. ☐ Both the petitioner and respondent have filed, or are filing concurrently, a *Declaration Regarding Service of the Preliminary and Final Declaration of Disclosure and Income and Expense Declaration*.
 - b. ☐ This matter is proceeding by default. I am the Petitioner in this action and have filed a proof of service of the *Preliminary Declaration of Disclosure* with the court. I hereby waive receipt of the *Final Declaration of Disclosure* from the respondent.
 - c. ☐ This matter is proceeding as an uncontested action. Service of the *Final Declaration of Disclosure* is mutually waived by both parties. A waiver provision is contained in the marital settlement agreement or proposed judgment.
7. ☐ **CHILD CUSTODY** should be ordered as set forth in the proposed *Judgment (Family Law)*.
8. ☐ **CHILD VISITATION** should be ordered as set forth in the proposed *Judgment (Family Law)*.
9. **SPOUSAL AND FAMILY SUPPORT** If a support order or attorney fees are requested, submit a completed *Income and Expense Declaration* (form 1285.50), unless a current form is on file. Include your best estimate of the other party's income. (Check at least one of the following)
 - a. ☐ I knowingly give up forever any right to receive spousal support.
 - b. ☐ I ask the court to reserve jurisdiction to award spousal support in the future to (name): _____
 - c. ☐ Spousal support should be ordered as set forth in the proposed *Judgment (Family Law)*.
 - d. ☐ Family support should be ordered as set forth in the proposed *Judgment (Family Law)*.

(Continued on reverse)

PETITIONER:	CASE NUMBER:
RESPONDENT:	

10. ☐ CHILD SUPPORT should be ordered as set forth in the proposed *Judgment (Family Law)*.
11. a. I ☐ am receiving ☐ am not receiving ☐ intend to apply for public assistance for the child or children listed in the proposed order.
- b. To the best of my knowledge the other party ☐ is ☐ is not receiving public assistance.
12. ☐ Petitioner ☐ Respondent is presently receiving public assistance and all support should be made payable to the Family Support Division of the District Attorney's Office at the address set forth in the proposed judgment. A representative of the District Attorney's Family Support Division has signed the proposed judgment.
13. If there are minor children, check and complete item a and item b or c:
- a. My gross (before taxes) monthly income is as follows: \$
- b. ☐ The estimated gross monthly income of the other party is as follows: \$
- c. ☐ I have no knowledge of the estimated monthly income of the other party for the following reasons (*specify*):
- d. ☐ I request that this order be based on ☐ Petitioner's ☐ Respondent's earning ability. The facts in support of my estimate of earning ability are (*specify*):
- ☐ Continued in Attachment 13d.
14. ☐ PARENTAGE of the children of the Petitioner and Respondent born prior to their marriage should be ordered as set forth in the proposed *Judgment (Family Law)*. A declaration regarding parentage is attached.
15. ☐ ATTORNEY FEES should be ordered as set forth in the proposed *Judgment (Family Law)*.
16. There are irreconcilable differences that have led to the irremediable breakdown of the marriage and there is no possibility of saving the marriage through counseling or other means.
17. This declaration may be reviewed by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance under Family Code section 2336.

STATEMENTS IN THIS BOX APPLY ONLY TO DISSOLUTIONS - items 18 through 21

18. Petitioner and/or the Respondent has been a resident of this county for at least three months and of the State of California for at least six months continuously and immediately preceding the date of the filing of the petition.
19. I ask that the court grant the request for a judgment for dissolution of marriage based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* submitted with this declaration.
20. ☐ This declaration is for the termination of **marital status only**. I ask the court to reserve jurisdiction over all issues whose determination is not requested in this declaration.
21. ☐ Petitioner ☐ Respondent requests restoration of his/her former name as set forth in the proposed *Judgment (Family Law)*.

THIS STATEMENT APPLIES ONLY TO LEGAL SEPARATIONS

22. I ask that the court grant the request for a judgment for legal separation based upon irreconcilable differences and that the court make the orders set forth in the proposed *Judgment (Family Law)* submitted with this declaration.
- I UNDERSTAND THAT A JUDGMENT OF LEGAL SEPARATION DOES NOT TERMINATE A MARRIAGE AND I AM STILL MARRIED.**

23. ☐ Other (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)